IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 57881-M of 2006

DATE OF DECISION : 12.12.2006

Jai Bhagwan and others

.... PETITIONERS

Versus

State of Haryana and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ajit Atri, Advocate,
for the petitioners.

Mr. S.S. Mor, Senior DAG, Haryana.

Mr. Surinder Dagar, Advocate,
for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 215 dated 12.7.2000 registered at Police Station Samalkha District Panipat under Sections 498-A/406 IPC, on the basis of compromise effected between the parties.

In pursuance of the notice issued by this Court, respondent No.2-complainant along with his daughter Poonam has appeared and has filed reply admitting the claim of the petitioners. Petitioner No.1 Jai Bhagwan (husband) is also present and he has made the following statement:-

> "On 4.2.1995, my marriage was solemnized with Poonam, daughter of the complainant Chander Bhan. Thereafter, some harassment was caused to my wife by me and

my family members, for which she lodged FIR No. 215 dated 12.7.2000 at Police Station Samalkha District Panipat under Sections 498-A/406 IPC against us. During the pendency of the FIR, with the intervention of the respectable and Panchayat members, I took my wife with me and for the last two years, she is living with me. I have assured my wife that I will not harass her. I assure this Court also that I will not harass my wife and will not allow any of my family members to harass her."

After hearing the aforesaid statement of petitioner No.1, his wife Poonam who is also present, has made the following statement :-

"I have heard the statement of my husband. When my husband and his family members harassed me, my father lodged FIR No. 215 dated 12.7.2000 at Police Station Samalkha District Panipat under Sections 498-A/406 IPC against them. During the pendency of the said FIR, with the intervention of the respectable and Panchayat members, my husband took me to the matrimonial home with the assurance that he will not harass me in future. Now for the last two years, I am living with my husband. He and other petitioners have assured me that they will not harass me. Today also in the Court, petitioner No.1 has assured me that I will not be harassed. In view of this assurance, I have no objection if the aforesaid FIR and the subsequent proceedings are quashed."

I have heard the arguments of learned counsel for the parties.

Keeping in view the aforesaid statements made by the husband and wife and the assurance given by the husband as well as the fact that the couple is residing together for the last two years, I am of the opinion that no useful purpose will be served by continuing with the criminal proceedings in the instant FIR. The complainant along with his daughter is present in the court. Poonam daughter of the complainant has stated that now she is living happily with her husband and she has no objection in quashing of FIR and

the subsequent proceedings. I am satisfied that the compromise arrived at between the parties is bonafide. Therefore, in view of the fact that the parties have compromised the matter and are happily living and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 215 dated 12.7.2000 registered at Police Station Samalkha District Panipat under Sections 498-A/406 IPC and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

December 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**